

**Town of Concord
Special Town Meeting
June 13, 2007**

Pursuant to the Warrant signed by the Selectmen on May 25, 2007, Town Moderator Edward N. Perry called the Special Town Meeting to order at 7:00 pm on Wednesday, June 13, 2007 at the Concord-Carlisle High School. The Moderator declared that the meeting was properly called and that a sufficient number of voters were present to permit the meeting to be opened.

On a **MOTION** made by Margaret Briggs and duly seconded, the following was **VOTED** with a show of hands and so declared by the Moderator:

That this meeting be held in the Concord-Carlisle Regional High School Auditorium, the Cafeteria, and if necessary, the Gymnasium, and that the halls be connected by means of a public address system and loudspeakers so that the proceedings in the halls in use can be heard and participated in by all voters present in any hall, and if necessary the H-Building where the voters will be able to hear the proceedings and that the proceedings in all halls constitute parts of one and the same Meeting, all as authorized by §10 of Chapter 39 of the Massachusetts General Laws.

Mr. Perry announced that he had appointed Carolyn C. Flood, George M. Dallas and Elizabeth Holmes to be Assistant Moderators, and John H. Clymer to be the Deputy Moderator. Ms. Flood will preside in the Cafeteria, and Mr. Clymer will preside in the Gymnasium, if necessary. Mr. Dallas and Ms. Holmes will preside in the H-Building, if necessary. The Assistant Moderators and the Deputy Moderator had previously been duly sworn to the faithful and impartial discharge of their duties.

Mr. Perry expressed gratitude to the High School Principal Art Dulong, the Regional School Committee, and the high school staff for accommodating us. Mention was made of the availability of "green cards" for citizens to volunteer to serve on a town committee or board. Mr. Perry reminded attendees of the importance of being familiar with the Town Meeting procedures materials – "Moderator's Notes for the 2007 Special Town Meeting," "Town Meeting in a Nut-shell" and "Concord Town Meeting Tradition and Procedures."

Mr. Perry announced the appointment of Roberto J. Tenenbaum to a vacancy on the Finance Committee created by the resignation of Elisabeth Elden. Mr. Tenenbaum's term will expire at the dissolution of the 2008 Annual Town Meeting. Appreciation was expressed to Ms. Elden for her four years of distinguished service, and to the more than 250 members of all Town boards and committees who conscientiously fulfill their important roles of service to the community.

Dr. Susan H. Curtin was introduced as the Town Meeting Procedure Resource Person. Fire Chief Ken Willette reviewed the evacuation procedures in the event of an emergency. Mr. Perry noted the appointment of George Sprott as Head Teller, and Todd Crocker and Abraham Fisher as Assistant Head Tellers. In the event a vote is taken using a secret ballot on any vote, the ballot counting will be under the supervision of David Allen, Ballot Supervisor and Mark Myles, Assistant Ballot Supervisor. The Tellers and Ballot Counters were sworn in to faithfully and impartially perform their duties.

Voters were reminded to keep their Voting Slips handy, since they would be used for all votes. Girl Scouts and Boy Scouts brought forward the flags and the assembly stood for a moment of silence. Mr. Perry reminded all to reflect on how, through this Town Meeting, we and our

neighbors provide for our common good. He reminded us that the passions of the moment are not always the best guide for our conduct in the future, and that if sacrifice by a few is required, the sacrifice should be only where the common goal is worthy of the sacrifice. He asked all to approach each issue with an open heart and mind. He asked that each of us maintain a saving sense of humor, so that the debates at this Town Meeting will not be a source of division among us when our business is completed.

Mr. Perry thanked the many employees and volunteers who worked hard preparing for this Town Meeting. He offered special thanks to Town Meeting Coordinator Laurel Landry.

On a **MOTION** made by Margaret Briggs and duly seconded, the following was **VOTED** on a show of hands and so declared by the Moderator:

That the reading of the Warrant and the Return of Service thereon be omitted.

Mr. Perry addressed three procedural points that had been raised and debated since the Annual Town Meeting—(1) Was the Motion to Reconsider under Article 30 (Playing Fields Funding) made on a timely basis? (2) Was there a second to the Motion for Reconsideration? (3) Was there new information that formed the basis for the Motion for Reconsideration? Mr. Perry's answer to all three questions is Yes.

(1) Based on his notes and a review of the tape of the night of April 24, it was clear that the Motion to Reconsider was made within the 20 minutes required by the Town Meeting Bylaw. In fact, the Motion to Reconsider was made approximately nine minutes after the vote was announced. (2) Based on his notes and a review of the tape, the Motion to Reconsider did receive a second. (3) A review of the Bylaw shows that there is no requirement for new information in order for a Motion to Reconsider to be valid. However, the vote on the Motion to Reconsider resulted in a majority being in favor of the reconsideration, but significantly, did not carry by two-thirds. After additional discussion, the vote under Article 30 passed by more than two-thirds of those voting, so as far as Mr. Perry is concerned, there was new information provided during that discussion that changed the vote from a majority to more than two-thirds. He reminded those present that tonight's Meeting is to discuss the pros and cons of the two fields being built between this high school and Route 2, and not to rehash the procedures of the last Town Meeting. This is an entirely new Town Meeting, and he will attempt again to provide all sides with a fair hearing of the issues before us.

(Note that an abbreviated version of the above comments was repeated by Mr. Perry at 7:48 pm, prior to the discussion on Article 3, for the benefit of any late arrivals.)

Mr. Perry expressed his frustration with the fact that none of the petitioners had submitted their presentations to the Town's Technology Administrator in advance, as they had been instructed to do so. He was concerned with the possibility of slides being shown that would be out of keeping with Concord's civility standards. He advised those present that in the event that he needs to interrupt a presentation tonight, it will be in order to protect the civility of this Town Meeting or to move the Meeting process forward.

Mr. Perry reviewed the anticipated schedule for the evening and asked for questions. Tanya Gailius expressed concern about the potential for divisiveness, wanting to avoid polarization if possible. In response to a question, Mr. Perry explained the use of the clock on the screens, since at previous Town Meetings, few speakers paid attention to the warning lights. Mr. Perry

reminded those present to listen respectfully to all the speakers, with no clapping, laughing or jeering allowed.

At 7:24 pm, the Meeting took up the business under Article 1.

SECRET BALLOT VOTING PROCEDURE (by petition)

Article 1. The following **MOTION** was made by Mark O'Lalor and duly seconded:

That the June 13, 2007 Special Town Meeting adopt the following Rule for the conduct of the June 13, 2007 Special Town Meeting:

The vote taken on any vote at this Meeting shall be taken by secret ballot, provided that one hundred (100) voters present at the Meeting so request before the Moderator calls for a vote to be taken.

After discussion, a vote was taken on a show of hands, and the **MOTION FAILED TO PASS** and so declared by the Moderator. Therefore, a majority vote will be required in order to vote by secret ballot at this Town Meeting.

At 7:43 pm, the Meeting took up the business under Article 2.

MEETING PROCEDURE

Article 2. On a **MOTION** made by Tom Anzer and duly seconded, the following was **OVERWHELMINGLY VOTED** on a show of hands in all three rooms and so declared by the Moderator:

That the Town adopt a "Rule of the Meeting" Resolution as follows:

Resolved: That in order to assure compliance with the requirements of the Massachusetts General Laws Chapter 59, §21C, this Meeting hereby adopts the following Rule of the Meeting:

RULE OF THE MEETING

1. Articles for appropriations supported from current taxation and/or available funds

Any motion made under a warrant article or a motion to amend that would increase the appropriation amount over the amount recommended by the Finance Committee and designated by it as the "allocation at Levy Limit," or that would provide for an appropriation where the Finance Committee is recommending NO ACTION, must specify the following:

- A. The original motion or a motion to amend shall specify the amount of increase over the appropriation recommended by the Finance Committee and the source of funding – whether from available funds, taxation within the levy limit, or contingent upon approval of an override ballot vote following the conclusion of Town Meeting if such ballot is voted by the Board of Selectmen in accordance with state law;

- B. If the proposed increased appropriation is proposed to be funded from taxation within the levy limit, the original motion or motion to amend shall specify the source of funding as:
1. a reduction in the appropriation amount already voted under a previous article or within the article currently being considered; or
 2. a maximum amount that may be appropriated within the Levy Limit under a subsequent article in the warrant.

2. Articles for appropriations supported from borrowing

The Finance Committee shall report to the Meeting summarizing its recommendations for new tax-supported borrowing authority to be offered at this Meeting and for which the debt service is proposed to be funded within the Levy Limit.

Any motion made under a warrant article or a motion to amend that would increase the appropriation amount to be met by a borrowing authorization over the amount recommended by the Finance Committee or that would provide for an appropriation to be met by a borrowing authorization where the Finance Committee is recommending NO ACTION, must specify the following:

- A. the original motion or a motion to amend shall specify the amount of increase over the appropriation recommended by the Finance Committee and shall make the increase contingent upon approval of a debt exclusion or capital outlay exclusion ballot vote following the conclusion of Town Meeting if such ballot is voted by the Board of Selectmen in accordance with state law;

or

- B. the original motion or motion to amend shall include a corresponding and offsetting reduction in another borrowing authorization from among those listed by the Finance Committee, either by a reduction in the amount already voted under a previous article or by setting a maximum amount of debt that may be authorized within the Levy Limit under a subsequent article in the warrant.

3. Articles making appropriations to be kept open

All Articles making appropriations shall be kept open until the final adjournment of the Meeting.

At 7:53 pm, the Meeting took up the business under Article 3.

RESCISSION OF RECONSIDERED VOTE ON ARTICLE 30 (by petition)

Article 3. The following **MOTION** was made by Ken Hecht and duly seconded:

That the Town vote to rescind the vote taken on Article 30 at the 2007 Annual Town Meeting following reconsideration of the original vote on that Article.

Following a presentation by Mr. Hecht, and a presentation by the Playing Fields proponents Jeff Adams and Johanna Hunter, Mr. Perry reminded those present that they would not be allowed multiple opportunities to speak by moving from one room to another. The Board of Selectmen, the Finance Committee, and the Regional School Committee all recommended no action on Ar-

ticle 3. After a number of additional speakers, Robert Atkins made a **MOTION TO CALL THE QUESTION**. Mr. Perry expressed appreciation for the sentiment, but felt that it was too soon and considered it out of order at this time. Discussion continued, and voters were reminded that they must be seated prior to the vote being taken. Mr. Perry announced that the Little Theatre was open for voter seating at 9:28 pm.

After additional discussion and a clarification of the effect of a "Yes" vs "No" vote, at 9:58 pm Mr. Perry suggested that the assembly was ready for a vote on Article 3. He called for a standing counted vote. The results were announced by the Moderator at 10:25 pm, and the **MOTION FAILED TO PASS**, with 433 voting in favor and 1,300 opposed.

Ken Hecht, the petitioner for **Articles 4 (CCHS Playing Fields Cost Sharing) and 5 (Playing Fields Funding)**, indicated that he would not be moving those Articles, in light of the results of Article 3.

There was **NO MOTION** made under **Article 6 (Usage Permit Changes in Retail Areas)**.

At 10:26 pm, there being no further business to conduct, there was a **MOTION TO ADJOURN AND DISSOLVE** the Special Town Meeting, which was duly seconded and **VOTED**.

Respectfully submitted,

Anita S. Tekle
Town Clerk

ATTENDANCE: 1,819 voters in attendance